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REMARKS

Upon entry of the instant amendment, claims 1-3, 7 and 8 are pending. It is respectfully submitted that upon consideration of the remarks below, the application is in condition for allowance.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-3 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Janik, U.S. Patent Application Publication No. US 2005/0113946, in view of Margulis, U.S. Patent No. 6,263,503. Claim 1 has been amended so that it is fully supported by the parent application. As such, it is respectfully submitted that the Janik reference is not prior art as discussed below in detail. In particular, the present application is a continuation-in-part of commonly-owned U.S. Patent Application No. 09/649,981, filed on August 29, 2000, which claims the benefit of U.S. Provisional Patent Application No. 60/151,714, filed on August 31, 1999. It is respectfully submitted that the pending claims are supported by the parent application as well as the provisional application. As such, the effective filing date of the present application is August 31 1999. The Janik application claims the benefit of a provisional application no. 60/230,530, filed on September 1, 2000. As such, the earliest effective date for the Janik application is September 1, 2000. Based on the above, it is respectfully submitted that the Janik application is not prior art within the meaning of 35 U.S.C. § 102. It is respectfully submitted that the Margulis parent does not disclose or suggest a system as recited in the claims at issue.

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The Applicant would like to point out that the "base station 200" in Fig. 1 of the instant application corresponds to the PC Adapter 24 in the parent application. The Applicant would also like to point out that the only difference between the devices is semantic. Both are coupled to a remote PC and both broadcast to remote playback devices. Thus, it should be clear that the PC Adapter as used in the parent application is a base station in the same sense as the term base station is used in the instant application. Accordingly, it is respectfully submitted that the effective date of the claims at issue are at least as early as the filing date of the parent application (i.e. August 29, 2000), Since the earliest effective date of the Janik reference is arguably Sept. 2000, it is respectfully submitted that the Janik patent can not be a reference within the meaning of 35 USC § 102. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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Appl. No.: 09/709,772

Respectfully submitted,

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Date: Jan 25, 2007

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